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IN THE

Supreme Court of the United States

October Term, 1976

No. 76-554

TULARE LAKE CANAL COMPANY and TULARE LAKE BASIN WATER STORAGE DISTRICT,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

REPLY BRIEF

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REPLY BRIEF

We submit this reply brief on behalf of petitioners Tulare Lake Canal Company and Tulare Lake Basin Water Storage District in support of their petition for a writ of certiorari herein.

Respect for the time of this Court and its Rules precludes any lengthy reply to the Brief for the United States in Opposition (hereafter "Gov. Br."). Some of the contentions urged by the Government, however, do require comment.

1. The main reason why the Government opposes the grant of certiorari in this case appears to be the Government's view that this case "involves no issue of demonstrated general importance" (Gov. Br., p. 4). We respectfully disagree:

(a) We think the Ninth Circuit would also disagree. For the decision of the Ninth Circuit suggests, we submit, that the court below believed it was deciding issues of "demonstrated general importance." The Ninth Circuit recognized that its opinion affected some 90 projects authorized by the Flood Control Act of 1944. But the Ninth Circuit went even further—in explicit terms, it recognized that its decision of the prepayment issue under federal reclamation law

> "affect[ed] all federal reclamation projects subject to section 46 of the 1926 Act." (App., Ex. A, p. 43A)

The national implications of the Ninth Circuit's decision are vividly illustrated in two appendices annexed to this reply brief. Appendix A is a Government prepared list of all reclamation projects authorized for construction through January 2, 1971—some five years ago. Those projects are located in all seventeen of the states west of the 100th meridian and in four of the eleven judicial circuits of the United States Courts of Appeal. Appendix B is a list of flood control projects authorized by the Flood Control Act of 1944—these projects are located in thirty-two states located in ten of the eleven judicial circuits of the United States Courts of Appeal. In addition, there are numerous subsequent flood control acts, and other legislation, to which Section 8 of the 1944 Act, whatever its scope, purportedly applies.

Clearly, millions, if not billions, of dollars of Government funds have been invested in those projects. And, to the best of our knowledge, Congress continues to authorize construction of new reclamation and flood control projects —projects which will be directly affected by the Ninth Circuit's decision concerning the appropriate application of federal reclamation law to such projects.

In these circumstances, we think it is a matter of "demonstrated national importance" for this Court to review, among other things, the determination of the Ninth Circuit that one of the basic goals of federal reclamation law, intended by Congress, was

> "to accomplish the redistribution of large privately owned tracts at prices substantially below the actual value of such lands at the time of sale." (App., Ex. A, p. 49A)

(b) Whatever the Government's present position, the issues presented by this case, as we have already pointed out (Pet., pp. 13-20), have been the subject of long and intense study by, and controversy between, those branches of the Executive responsible for administration of the laws in question.

It was in the context of this administrative and public concern, among other things, that a former Secretary of the Interior in 1961 recognized the "widespread interest" in these questions and their "transcendent importance in the administration of the Federal reclamation laws." (D. Ex. Y5) (Pet., pp. 18-19).

For the Government to suggest now (for the first time in the extended history of this controversy) that such issues —so long the subject of intense congressional and adminis-

trative effort and concern (Pet., pp. 13-20)—are not worthy of review by this Court because they are not of "demonstrated national importance" is, we submit, tantamount to saying that the federal reclamation laws are *not* of national importance and that fundamental issues concerning their interpretation are *not* worthy of review by this Court.

This Court, however, has recognized that "issues of basic importance to the federal reclamation laws" are worthy of such review, *Ivanhoe Irrigation District* v. *McCracken,* 357 U.S. 275, 277 (1958).

(c) The Government concedes this is a "test case." As that expression connotes, the issues involved go beyond the interests of the parties to this litigation and the Pine Flat Dam. We think we have already amply demonstrated how broad and important those interests are (Pet., pp. 28-39; pp. 2-3, *supra*).

(d) In view of the foregoing, we think it clear that the Ninth Circuit's decision has a direct impact on the present and future stability and productivity of a significant portion of this nation's agricultural economy. By way of example, if the impact of the decision were limited to the service area of the Kings River—clearly it goes far beyond —we would already be talking of irrigable farmland of 850,000 acres, a tract larger than the State of Rhode Island. And if the irrigable farmlands of the service areas of the Kern, Kaweah and Tule Rivers (the areas in which the North Kern Water Storage District, *et al.* as *amici curiae,* are interested) were to be added to this total, the farmlands affected by the Ninth Circuit's decision would equal a tract of land larger than the State of Delaware.

(e) To sum up: the issues in this case are, we suggest, of "demonstrated national importance"—a fact which the record demonstrates all responsible Government officials who have dealt with these issues over the years have fully recognized. It is fallacious to suggest as the Government now does, that these issues are not worthy of review by this Court, because this is the first opportunity the Court has been given to review them. In view of the significance of these issues, both in terms of their fundamental importance to federal reclamation law and their broad impact on the agricultural economy of this nation, the Court should now seize the opportunity to decide those issues.

2. The Government's Brief makes certain misstatements concerning the record below. At page 6, the Government states that the district court made no finding that the Kings River service area could not be farmed in 160-acre tracts. The district court did make such a finding (undisturbed by the Ninth Circuit), as follows (R.A. 2595):

> "[B]ecause of flooding, drought, soil conditions and inadequate domestic and irrigation water supplies, the 200,000 acres known as the Tulare Lake Basin are not adaptable to actual settlement by family farmers in 160-acre or 320-acre parcels as contemplated by federal reclamation laws."

3. The Government's reference (Gov. Br., pp. 4 and 5) to the absence of other litigation on these issues during the 32 years since passage of the 1944 Flood Control Act is misleading. There was no occasion for such litigation until December 26, 1961 when the new Solicitor of the Department of the Interior, Frank J. Barry, issued his opinion (68 I.D. 372) repudiating the so-called "pay-out" principle. Until that day the Kings River farmers, and many others,

had been relying on repeated assurances by responsible officials of the Department of the Interior that the pay-out principle would be included in their repayment contract for use of the storage space in the Kings River Reservoir.*

The announcement of the Barry decision created for the first time a controversy which had to be resolved in the courts. This action was instituted *by the United States* approximately two years later as a "test case." All interested parties are awaiting the outcome of the Government's own "test case," and there is no need for other litigation while the "test case" is pending.

4. The Government's Brief suggests that all the Ninth Circuit has done is to insure that the farmers in the Kings River service area, as well as in other areas, will not "secure a windfall" by prepaying the construction costs allocable to the irrigation benefits of a flood control project (Gov. Br., p. 4), while retaining all the other benefits of the project—*i.e.*, flood control, salinity prevention, navigation, production of hydroelectric power, etc. (Gov. Br., pp. 8-9).

We respectfully submit this is an argument based on a total misconception of the concepts of "windfall" and "subsidy," as those concepts have been developed over the years with respect to federal reclamation law and federal flood control law. The Government did not contend in either of the courts below that any element of subsidy of whatever character is involved in this case.

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* See the discussion at pp. 29-32 of the brief of North Kern Water Storage District, *amici curiae,* concerning the trial court's Findings of Fact that the Kings River farmers had relied to their detriment upon these repeated assurances from officials of the Department of the Interior. Those Findings were not disturbed by the Court of Appeals.

As to "subsidy," the interest-free 40-year installment payment procedures which are available to farmers under federal reclamation law is, of course, a direct and substantial financial subsidy. But by prepaying this entire obligation, petitioner Tulare Lake Canal Company has foresaken this subsidy. Until Solicitor Barry's 1961 opinion, the Bureau of Reclamation had treated acreage limitations as the "quid pro quo" for the financial subsidy represented by the 40-year interest-free repayment plan. Until Solicitor Barry's 1961 opinion, the acreage limitations provisions were deemed inapplicable if the subsidy were eliminated by prepayment. The same principle was applied by Congress in the Small Reclamation Projects Act of August 6, 1956 (70 Stat. 1044), and in other statutes, which provide that acreage limitation provisions are not applicable to landowners who waive the financial subsidy either by prepayment in full, or by paying interest on deferred installments.

But the other benefits which a farmer may obtain, as in this case, from a *flood control project,* have never been deemed to be "windfalls" although there is no reimbursement to the federal government for the costs of construction allocable to those benefits.

Flood control protection is only one of a great many unreimbursed benefits conferred by the federal government upon the people, the property owners and the business activities of the country. Navigational aids for surface vessels and air lines and river and harbor improvements are but a few examples. Congress has never decreed that the recipient of any such benefit must substantially reduce his business activities (*i.e.*, dispose of his "excess acreage") as a condition for receiving such benefit.

In short, there has been no "windfall" in this case or in any other case where farmers prepay only the construction costs of a project allocable to irrigation, but receive other unreimbursed benefits.

Indeed, the notion of "windfall" now advanced by the Government was repudiated by Congress with respect to the very flood control project on the Kings River at issue here. The Pine Flat Dam was completed and placed in operation in 1954 and from that date until December 23, 1963, when the permanent contract with the Kings River water users was executed, the water users stored their water in the Pine Flat Reservoir under annual "interim" contracts with the Bureau of Reclamation. Under each of those contracts the water users were required to pay a fixed fee of $1.50 for each acre-foot of water stored by them in the reservoir each year. That fixed fee very substantially exceeded the portion of operating costs of the dam and reservoir project allocable to the storage of the irrigation water.

Commencing with the year 1956, each of the annual contracts provided that if and when a permanent contract should be executed (as was done in 1963), the excess of the annual payments over the allocated operating costs would be credited to the water users as a part-payment of their obligation to reimburse the United States for the portion ($14,250,000) of the cost of constructing the project allocated to irrigation benefits.

The water users applied to Congress for a similar credit for the payments made for the years 1954 and 1955. In its report (Senate Report 837, 90th Cong., 1st Sess., dated December 5, 1967) recommending approval of S. 2402 which

required the Secretary of the Interior to make the requested credit (in the amount of $1,098,597.92) as a reduction of the balance due from the Kings River water users upon their $14,250,000 capital reimbursements obligation, the Senate Committee on Interior and Insular Affairs said:

> "Without the credit provided for in this bill, the water users would be required to repay not the agreed sum of $14,250,000 but an amount of $15,348,597.92. This was not contemplated by either the Government or the water users and would be an *unjust enrichment* to the United States." (Emphasis supplied.)

Congress passed the bill and President Johnson signed it (Public Law 90-260, approved March 2, 1968, 82 Stat. 39).

Thus, whatever the Government's position today on the issue of "windfall," Congress in 1967 recognized that there would be "unjust enrichment" to the United States if it required payment from the Kings River water users which exceeded the costs of the project allocable to irrigation benefits.

The contrary notion intimated by the Court of Appeals opinion and advanced by the Government embodies a very substantial expansion of federal limitations imposed as the price of receiving flood control benefits. Surely, such an expansion of federally-imposed limitations presents a question of vast national importance to landowners in the service areas of virtually every federal flood control project in the nation.

Any further discussion of the merits of the complicated legal issues of this case would unduly lengthen this reply brief.

We may say, in summary, that despite the Government's efforts to suggest that the controversy here is of a localized

nature and that the issues decided by the Ninth Circuit were "narrow" and require no further review by this Court, the fact is that the issues raised by this litigation are of the utmost importance to the owners and operators of vast areas of highly-productive agricultural land, not only in California, but in many other parts of the United States.

After thirteen years of "test litigation", the time is now ripe, we respectfully suggest, for those issues to be decided by this Court.

Conclusion

For the foregoing reasons, this Court should grant a writ of certiorari to review the decision below.

Respectfully submitted,

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APPENDICES

A—Government Prepared List of All Reclamation Projects Authorized for Construction Through January 2, 1971

(Reproduced herein at pages A1 to A3.)

B—List of Flood Control Projects Authorized by the Flood Control Act of 1944

(Printed herein at pages B1 to B2.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

PROJECT AUTHORIZED FOR CONSTRUCTION
Through January 2, 1971

A 1

APPENDIX A

NUMBER	PROJECT	STATE	FIRST AUTHORIZATION		STATUS IN FISCAL YEAR 1971
			Date	Authority	
	(All-American Canal System)	Ariz.-Calif.	Dec. 21, 1928	Congress	Part of Boulder Canyon Project.
1	Amistad	Texas	Dec. 23, 1961	Congress	Operated by IBWC. USBR -- sale of energy only.
2*	Angostura	South Dakota	March 6, 1941	President	Constructed under Missouri River Basin.
3	Animas-La Plata, CRS Participating	Colo.-N. Mex.	Sept. 30, 1968	Congress	Advance Planning.
4	Arbuckle	Oklahoma	Aug. 24, 1962	Congress	Operated by Water Users.
5	Arnold	Oregon	July 25, 1947	Congress	Operated by Water Users.
6	Avondale	Idaho	July 31, 1953	Congress	Operated by Water Users.
7	Baker	Oregon	March 13, 1931	President	Operated by Water Users.
	Upper Division	Oregon	Sept. 27, 1962	Congress	Operated by Water Users.
8	Balmorhea	Texas	April 15, 1944	President	Operated by Water Users.
9	Belle Fourche	South Dakota	May 10, 1904	Secretary	Operated by Water Users.
10*	Bismarck (original)	North Dakota	Nov. 23, 1904	Secretary	Secondary, November 16, 1905.
11	Bitter Root	Montana	July 5, 1939	Congress	Operated by Water Users.
12*	Bitterroot Valley, Woodside	Montana	March 22, 1944	President	Water Conservation and Utility -- not constructed.
13	Boise (Payette-Boise Project)	Idaho-Oregon	March 27, 1905	Secretary	Operated by United States and Water Users.
14	Bostwick Park, CRS Participating	Colorado	Sept. 2, 1964	Congress	Construction.
15	Boulder Canyon:				
	All-American Canal System	Ariz.-Calif.	Dec. 21, 1928	Congress	Operated by U.S. and Water Users, DBMC, BAB.
	Hoover Dam and Powerplant	Arizona-Nevada	Dec. 21, 1928	Congress	Operated by United States and Agents, DBMC.
	Boulder City	Nevada	Sept. 2, 1959	Congress	Municipality established.
16	Buffalo Rapids:				
	First Division	Montana	Sept. 27, 1937	President	Operated by Water Users, DBMC.
	Second Division	Montana	Oct. 13, 1939	President	Operated by Water Users, DBMC.
*	Buford-Trenton (old)	North Dakota	Nov. 15, 1904	Secretary	Abandoned May 26, 1926.
17	Buford-Trenton (new)	North Dakota	Sept. 23, 1959	President	Operated by Water Users.
18	Burnt River	Oregon	Sept. 25, 1919	Secretary	Operated by Water Users.
19	Cachuma (Santa Barbara)	California	March 4, 1948	Secretary	Operated by United States and Water Users.
20	Canadian River	Texas	Dec. 29, 1950	Congress	Operated by Water Users, DBMC.
21	Carlsbad	New Mexico	Nov. 28, 1905	Secretary	Operated by United States and Water Users, BAB.
22	Central Arizona	Ariz.-N. Mex.	Sept. 30, 1968	Congress	Advance Planning. Construction deferred to 1973.
	Navajo Participating Agreement	Ariz.-N. Mex.	Sept. 30, 1968	Congress	Construction under contract authority.
23	Central Utah, CRS Part. Initial phase	Utah	April 11, 1956	Congress	Construction. Vernal Unit -- operated by Water Users, DBMC.
	Uintah Unit	Utah	Sept. 30, 1968	Congress	Provisional authorization.
24	Central Valley	California	Dec. 2, 1935	President	Construction. Operated by U. S. and Water Users.
	Folsom and Sly Park Units	California	Oct. 14, 1949	Congress	Operated by United States and Water Users.
	Sacramento Canals Unit	California	Sept. 26, 1950	Congress	Construction. Operated by United States.
	Trinity River Division	California	Aug. 12, 1955	Congress	Construction. Operated by United States.
	San Luis Unit	California	June 3, 1960	Congress	Construction. Operated by U. S. and Water Users.
	(New Melones Project)	California	Oct. 23, 1962	Congress	Authorized USCE and USBR.
	Auburn-Folsom South Unit	California	Sept. 2, 1965	Congress	Construction.
	(Marysville Dam and Reservoir)	California	Nov. 7, 1966	Congress	Authorized USCE and USBR.
	San Felipe Division	California	Aug. 27, 1967	Congress	Advance Planning.
25	Chief Joseph Dam:				
	Foster Creek Division	Washington	July 27, 1954	Congress	Operated by Water Users, DBMC.
	Greater Wenatchee Division	Washington	May 5, 1958	Congress	Operated by United States.
	Okanogan-Similkameen Division:				
	Oroville-Tonasket Unit	Washington	Oct. 9, 1962	Congress	Operated by Water Users, DBMC.
	Whitestone Coulee Unit	Washington	Sept. 30, 1968	Congress	Construction.
	Chelan Division, Manson Unit	Washington	Sept. 7, 1966	Congress	Construction.
26	Collbran	Colorado	July 3, 1952	Congress	Operated by United States and Water Users.
27	Colorado-Big Thompson	Colorado	Dec. 21, 1937	President	Operated by United States and Water Users.
28	Colorado River	Texas	Aug. 26, 1937	Congress	Operated by Water Users.
29	Colorado R. Front Work & Levee System	Ariz.-Calif.-Nev.	July 1, 1940	Congress	Construction. Operated by United States.
30	Colorado River Storage	5 States	April 11, 1956	Congress	Construction and DBMC. Operated by United States.
31	Columbia Basin	Washington	Aug. 30, 1935	Congress	Construction. Operated by U. S. and Water Users.
	Coulee Dam Community	Washington	Aug. 30, 1957	Congress	Municipality established.
	Third Powerplant	Washington	June 14, 1966	Congress	Construction.
32	Crescent Lake Dam	Oregon	July 1, 1954	Congress	Operated by Water Users.
33	Crooked River	Oregon	Aug. 6, 1956	Congress	Operated by Water Users.
34	Dallas Creek, CRS Participating	Colorado	Sept. 30, 1968	Congress	Advance Planning.
35	Dalton Gardens	Idaho	July 31, 1953	Congress	Operated by Water Users.
	(Davis Dam) Parker-Davis	Arizona-Nevada	April 26, 1941	Secretary	Combined with Parker Dam May 28, 1954.
	(Delivery of Water to Mexico)	Arizona	May 17, 1963	Congress	Special activity. Supervision and control by United States, DBMC. Operated by U.S.
36	Deschutes	Oregon	Nov. 1, 1937	President	Operated by Water Users.
*	Dixie	Utah	Sept. 2, 1964	Congress	Drainage and Minor Construction
37	Dixie	Utah	Sept. 30, 1968	Congress	Reauthorized. Advance Planning.
38	Dolores, CRS Participating	Colorado	Sept. 30, 1968	Congress	Advance Planning.
39	Eden	Wyoming	Sept. 18, 1940	President	Operated by Water Users, DBMC.
40*	Eklutna	Alaska	July 31, 1950	Congress	Transferred to Alaska Power Administration, June 16, 1967.
41	Emery County, CRS Participating	Utah	April 11, 1956	Congress	Operated by Water Users, DBMC.
42	Falcon	Texas	June 18, 1954	Congress	Operated by IBWC. USBR -- sale of energy only.
43	Florida, CRS Participating	Colorado	April 11, 1956	Congress	Operated by Water Users.
44	Fort Peck	Mont.-N. Dak.	May 18, 1938	Congress	Operated by United States.
45	Fort Sumner	New Mexico	July 30, 1949	Congress	Operated by Water Users.
46	Frenchtown	Montana	Sept. 21, 1935	President	Operated by Water Users.

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Appendix A

PROJECTS AUTHORIZED FOR CONSTRUCTION
Through January 2, 1971

NUMBER	PROJECT	STATE	FIRST AUTHORIZATION		STATUS IN FISCAL YEAR 1971
			Date	Authority	
47	Fruitgrowers Dam	Colorado	Jan. 11, 1938	President	Operated by Water Users.
48	Fruitland Mesa, CRS Participating	Colorado	Sept. 2, 1964	Congress	Advance Planning. P&MC deferred to 1972.
49	Fryingpan-Arkansas	Colorado	Aug. 16, 1962	Congress	Construction. Operated by United States.
50*	Garden City	Kansas	Oct. 5, 1905	Secretary	Abandoned June 5, 1930.
51	Gila	Arizona	June 25, 1937	President	Operated by United States and Water Users, P&MC.
52	Grand Valley	Colorado	Jan. 5, 1911	President	Operated by Water Users.
53	Grants Pass	Oregon	Oct. 12, 1949	Congress	Operated by Water Users.
54	Hammond, CRS Participating	New Mexico	April 11, 1956	Congress	Operated by United States, P&MC.
55*	Hondo	New Mexico	Nov. 10, 1903	Secretary	Abandoned April 1, 1917.
	(Hoover Dam and Powerplant)	Arizona-Nevada	Dec. 21, 1928	Congress	Part of Boulder Canyon Project.
56	Humboldt	Nevada	Nov. 6, 1935	President	Operated by Water Users.
57	Hungry Horse	Montana	June 5, 1944	Congress	Operated by United States.
58	Huntley	Montana	April 18, 1905	Secretary	Operated by Water Users.
59	Hyrum (Salt Lake Basin)	Utah	Nov. 6, 1935	President	Operated by Water Users.
	(Imperial Dam and Desilting Works)	Ariz.-Calif.	Dec. 21, 1928	Congress	Part of Gila and All-American Canal System.
60	Intake	Montana	Jan. 20, 1944	President	Operated by Water Users.
61	Kendrick	Wyoming	Aug. 30, 1935	President	Operated by United States and Water Users, P&MC.
62*	Kennewick Highlands	Washington	March 7, 1911	President	Superseded by Yakima, Kennewick Division.
63*	King Hill	Idaho	June 12, 1917	Congress	Abandoned September 28, 1934.
64*	Kings River	California	Jan. 24, 1940	Secretary	Superseded by USCE authorization.
65	Klamath	Oregon-California	May 15, 1905	Secretary	Operated by U.S. and Water Users, P&MC, R&B.
66*	La Barge, CRS Participating	Wyoming	April 11, 1956	Congress	Authorized. Construction deferred.
67*	Lawton	Oklahoma	Oct. 8, 1914	President	Suspended June 1, 1917.
68	Lewiston Orchards	Idaho	July 31, 1946	Congress	Operated by Water Users.
69	Little Wood River	Idaho	Aug. 6, 1956	Congress	Operated by Water Users.
70	Lower Rio Grande:				
	Harlingen Division	Texas	April 7, 1948	Congress	Operated by Water Users.
	La Feria Division	Texas	Sept. 22, 1959	Congress	Operated by Water Users.
71	Lower Yellowstone (Fort Buford)	Mont.-N. Dak.	May 10, 1904	Secretary	Operated by Water Users.
72	Lyman, CRS Participating	Wyoming-Utah	April 11, 1956	Congress	Construction.
73*	Malheur	Oregon	May 11, 1904	Secretary	Rescinded February 10, 1926.
74	Manassa	Colorado	Oct. 24, 1940	President	Operated by Water Users.
*	Mann Creek	Idaho	July 7, 1941	President	Discontinued.
75	Mann Creek	Idaho	Aug. 16, 1962	Congress	Operated by Water Users.
76	McClellan Delta	New Mexico	Feb. 20, 1958	Congress	Salinity alleviation.
77	Midland Flats	Idaho	Aug. 31, 1954	Congress	Operated by Water Users, P&MC.
78	Middle Rio Grande	New Mexico	May 17, 1950	Congress	Operated by United States.
79	Milk River	Montana	March 14, 1903	Secretary	Operated by United States and Water Users.
80	Minidoka	Idaho-Wyoming	April 23, 1904	Secretary	Operated by United States and Water Users.
81	Mirage Flats	Nebraska	April 26, 1940	President	Operated by Water Users.
82	Missoula Valley	Montana	May 10, 1944	President	Operated by Water Users.
83	Missouri River Basin	10 States	Dec. 22, 1944	Congress	Construction and P&MC. Operated by United States and Water Users.
	Garrison Diversion Unit	N. Dak.-S. Dak.	Aug. 5, 1965	Congress	Construction.
	Nebraska Mid-State Division	Nebraska	Nov. 14, 1967	Congress	Advance Planning.
	Oahe Unit, James Division	South Dakota	Aug. 3, 1968	Congress	Advance Planning.
84	Moon Lake	Utah	Nov. 6, 1935	President	Operated by Water Users.
	(Navajo Indian Irrigation, CRS Part.)	New Mexico	June 13, 1962	Congress	Indian Project. Construction by USBR.
85	Mountain Park	Oklahoma	Sept. 21, 1968	Congress	Construction.
86*	Nacon	North Dakota	Jan. 23, 1906	Secretary	Secondary. Now in Missouri River Basin.
87	Newlands	Nevada-California	March 14, 1903	Secretary	Operated by Water Users, R&B.
88	Norton	Utah	Oct. 17, 1940	President	Operated by Water Users.
89	Norman	Oklahoma	June 27, 1960	Congress	Operated by Water Users.
90	North Platte (Pumpatester)	Wyoming-Nebraska	March 14, 1903	Secretary	Operated by United States and Water Users.
	(Ochoco)	Oregon	June 29, 1948	Congress	Combined with Crooked River, August 6, 1956.
91	Ogden River	Utah	Nov. 16, 1935	President	Operated by Water Users.
92	Okanogan	Washington	Dec. 2, 1905	Secretary	Operated by Water Users.
93	Orland	California	Oct. 5, 1907	Secretary	Operated by Water Users.
94	Owyhee	Oregon-Idaho	Oct. 12, 1926	President	Operated by Water Users.
95	Pacific Northwest-Southwest Intertie	Ariz.-Calif.-Nev.	Aug. 31, 1964	Congress	Construction. Operated by United States.
96	Palisades	Idaho-Wyoming	Dec. 9, 1941	Secretary	Operated by U. S. Reauthorized Sept. 30, 1950.
97	Palmetto Bend	Texas	Oct. 12, 1968	Congress	Advance Planning.
98	Palo Verde	Calif.-Ariz.	Aug. 31, 1954	Congress	Operated by Water Users.
99	Paonia, CRS Participating	Colorado	March 18, 1939	President	Operated by Water Users.
	(Parker Dam Power) Parker-Davis	Ariz.-Calif.	Aug. 30, 1935	Congress	Combined with Davis Dam May 28, 1954.
100	Parker-Davis	Ariz.-Calif.-Nev.	May 28, 1954	Congress	Operated by United States, P&MC.
101	Pecos River Basin Water Salvage	New Mexico-Texas	Sept. 12, 1958	Congress	Operated by United States, P&MC.
102	Pine River	Colorado	June 17, 1937	President	Operated by United States and Water Users.
*	Pine River Extension, CRS Part.	Colo.-N. Mex.	April 11, 1956	Congress	Deauthorized, September 30, 1968.
103	Preston Bench	Idaho	June 15, 1948	Congress	Operated by Water Users.
104	Provo River	Utah	Nov. 16, 1935	President	Operated by Water Users.
105	Rapid Valley	South Dakota	Nov. 8, 1939	President	Operated by United States and Water Users.
106	Rathdrum Prairie:				
	Post Falls Unit	Idaho	Jan. 29, 1944	President	Operated by Water Users.
	Hayden Lake Unit	Idaho	June 9, 1947	Secretary	Operated by Water Users.
	East Greenacres Unit	Idaho	June 23, 1970	Congress	Authorized.
107*	Red Bluff	Texas	June 18, 1926	Congress	WPA -- built and operated by Water Users.
	(Kirie)	Idaho	Oct. 23, 1962	Congress	Advanced Planning. USCE project.
108	Rio Grande	N. Mex.-Texas	Dec. 2, 1905	Secretary	Operated by United States.
109*	Riverton	Wyoming	June 5, 1920	Congress	Operated by United States and Water Users. Reauthorized Sept. 25, 1970 as part of Missouri River Basin project.
110	Rogue River Basin:				
	Medford and Rogue R. Valley I.D.'s.	Oregon	Aug. 20, 1954	Congress	Operated by Water Users. R&B,non-federal funds.
	Talent Division	Oregon	Aug. 20, 1954	Congress	Operated by United States and Water Users.
	Eagle Division	Oregon	May 20, 1970	Congress	Authorized.
111	Salt River	Arizona	March 14, 1903	Secretary	Operated by Water Users, R&B.

Appendix A

PROJECTS AUTHORIZED FOR CONSTRUCTION
Through January 2, 1971

NUMBER	PROJECT	STATE	FIRST AUTHORIZATION		STATUS IN FISCAL YEAR 1971
			Date	Authority	
112	San Angelo	Texas	Aug. 16, 1957	Congress	Operated by Water Users, D&MC.
	(San Diego)	California	Nov. 29, 1944	President	Constructed for Navy Department. Operated by Water Users.
113	San Juan-Chama, CRS Participating, Initial Phase	Colo.-N. Mex.	June 13, 1962	Congress	Construction.
*	San Luis Valley	Colorado	[illegible] 1, 1940	Secretary	Reconstruction started.
114	Fluoro Reservoir	Colorado	March 21, 1949	Secretary	Operated by United States and Water Users.
115	San Miguel, CRS Participating	Colorado	Sept. 30, 1968	Congress	Advance planning deferred to 1972.
116	Sanpete	Utah	Nov. 5, 1935	President	Operated by Water Users.
117*	Santa Margarita	California	July 28, 1954	Congress	Not yet under construction.
118	Santa Maria	California	Sept. 3, 1954	Congress	Operated by Water Users.
	(Savage Rapids Dam) Grants Pass	Oregon	July 9, 1952	Congress	Part of Grants Pass Project.
119	Savery-Pot Hook, CRS Participating	Colorado-Wyoming	Sept. 2, 1964	Congress	Advance Planning.
120	Scofield	Utah	June 28, 1943	President	Operated by Water Users.
121	Seminoe, CRS Participating	Wyoming	April 11, 1956	Congress	Operated by United States, D&MC.
122	Shoshone	Wyoming-Montana	Feb. 10, 1904	Secretary	Operated by U. S. and Water Users. R&B deferred to 1972.
123	Silt, CRS Participating	Colorado	April 11, 1956	Congress	Operated by Water Users, D&MC.
124	Smith Fork, CRS Participating	Colorado	April 11, 1956	Congress	Operated by Water Users.
	(Snettisham, Crater-Long Lake: Div.)	Alaska	Oct. 23, 1962	Congress	Transferred to Alaska Power Administration, June 16, 1967.
125	Solano	California	Nov. 11, 1948	Secretary	Operated by United States and Water Users, D&MC.
126	Southern Nevada Water	Nevada	Oct. 20, 1965	Congress	Construction.
127	Spokane Valley	Washington-Idaho	Sept. 16, 1959	Congress	Operated by Water Users.
128	Strawberry Valley	Utah	Dec. 15, 1905	Secretary	Operated by Water Users.
129	Sun River	Montana	Feb. 26, 1906	Secretary	Operated by Water Users.
130	Teton Basin, Lower Teton Division	Idaho	Sept. 7, 1964	Congress	Construction.
131	The Dalles, Western Division	Oregon	Sept. 13, 1960	Congress	Operated by Water Users.
132	Truckee Storage	Nevada-California	Sept. 21, 1935	President	Operated by Water Users.
133	Tualatin	Oregon	Sept. 20, 1966	Congress	Construction.
134	Tucumcari (Arch Hurley)	New Mexico	Aug. 7, 1937	Congress	Operated by Water Users, R&B.
135	Umatilla	Oregon	Dec. 4, 1905	Secretary	Operated by U.S. and Water Users. R&B deferred to 1972.
136	Uncompahgre (Gunnison)	Colorado	March 14, 1901	Secretary	Operated by Water Users, R&B.
137	Vale	Oregon	Oct. 21, 1926	President	Operated by Water Users.
138	Valley Gravity	Texas	June 28, 1941	Congress	Construction not undertaken.
139	Ventura River	California	March 1, 1956	Congress	Operated by Water Users.
140	Vernon	New Mexico	Sept. 27, 1950	Congress	Operated by Water Users.
141	W. C. Austin (Lugert-Altus)	Oklahoma	June 20, 1938	Congress	Operated by United States and Water Users.
142	Wapinitia, Juniper Division	Oregon	June 4, 1954	Congress	Operated by Water Users.
143	Washita Basin	Oklahoma	Feb. 25, 1950	Congress	Operated by Water Users, D&MC.
144	Washoe	Nevada-California	Aug. 1, 1956	Congress	Operated by United States, D&MC.
145	Weber Basin	Utah	Aug. 29, 1949	Congress	Operated by United States and Water Users, D&MC.
146	Weber River (Salt Lake Basin)	Utah	Jan. 8, 1927	President	Operated by Water Users.
147	West Divide, CRS Participating	Colorado	Sept. 30, 1968	Congress	Authorized.
148	Wichita, Cheney Division	Kansas	Sept. 14, 1960	Congress	Operated by Water Users, D&MC.
149	Williston	North Dakota	Jan. 23, 1906	Secretary	Abandoned May 20, 1926.
	(Willow Creek)	Oregon	Oct. 27, 1965	Congress	Advance Planning. USCE project.
150	Yakima	Washington	Dec. 12, 1905	Secretary	Operated by United States and Water Users, R&B.
	Roza-Sevick Division Extension	Washington	Aug. 28, 1969	Congress	Authorized.
151	Yuma	Ariz.-Calif.	May 10, 1904	Secretary	Operated by United States and Water Users.
152	Yuma Auxiliary	Arizona	Jan. 25, 1917	Congress	Operated by Water Users.
	FISCAL YEAR 1971				
153	Walla Walla, Tourist Division	Oregon-Wash.	July 7, 1970	Congress	Authorized.
	Missouri River Basin:				
	Narrows Unit	Colorado	Aug. 26, 1970	Congress	Authorized.
	Minot Extension, Garrison Diversion Unit	N. Dakota	Sept. 25, 1970	Congress	Construction deferred to 1972.
	Riverton Unit	Wyoming	Sept. 25, 1970	Congress	Authorized. Includes Riverton project.
	Central Valley:				
	Black Butte project	California	Oct. 21, 1970	Congress	Constructed and Operation -- USCE.

Notes.-- 1. Except as noted by parentheses, this list includes as numbered items all original authorizations for construction by the Bureau of Reclamation, or Reclamation Service, with the date and source of the original authorization. Re-authorization or additional authorizations for the same project are not included except for reference for current progress. Where projects have been authorized by more than one method; i.e., Secretary or President or Act of Congress, only the first or earliest method is shown. Where a project has been reauthorized, with all construction performed under the subsequent reauthorization, the original authorization is shown. Included are some projects (*) on which no construction has been actually performed. Projects or works constructed for other agencies under the Economy Act, for which there is no direct authorization to the Bureau of Reclamation, are not included.

2. Parentheses indicate names of project divisions which are tabulated elsewhere in listing and projects constructed for or by other agencies.

D&MC - Drainage and Minor Construction
R&B - Rehabilitation and Betterment
CRS - Colorado River Storage

*Inactive, abandoned or deferred construction projects (19).

APPENDIX B

Projects Authorized by the Flood Control Act of 1944

	State	*Projects*
1.	Arkansas	Lower Mississippi River projects Red-Ouachita River Basin projects Arkansas River Basin projects
2.	Arizona	Colorado River Basin projects
3.	California	San Diego River Basin projects Ventura River Basin projects Santa Ana River Basin projects Los Angeles-San Gabriel Basin projects Pajaro River Basin projects Sacramento-San Joaquin River Basin projects [including the Kings River project] Napa River Basin projects
4.	Colorado	Arkansas River Basin projects Missouri River Basin projects Rio Grande Basin projects
5.	Connecticut	Connecticut River Basin projects Housatonic River Basin projects
6.	Georgia	Savannah River Basin projects Mobile River Basin projects
7.	Hawaii	Hanapepe River projects
8.	Idaho	Columbia River Basin projects
9.	Illinois	Upper Mississippi Basin projects
10.	Indiana	Ohio River Basin projects
11.	Iowa	Upper Mississippi River Basin projects Missouri River Basin projects
12.	Kansas	Missouri River Basin projects
13.	Kentucky	Ohio River Basin projects

Appendix B

State	*Projects*
14. Louisiana	**Lower Mississippi River projects** **Red-Ouachita River Basin projects**
15. Massachusetts	**Blackstone River Basin projects**
16. Minnesota	**Red River projects**
17. Mississippi	**Lower Mississippi River projects**
18. Missouri	**Upper Mississippi River Basin projects** **Missouri River Basin projects**
19. Montana	**Missouri River Basin projects**
20. New York	**Great Lakes Basin projects**
21. North Carolina	**Roanoke River Basin projects**
22. North Dakota	**Red River projects** **Missouri River Basin projects**
23. Ohio	**Ohio River Basin projects**
24. Oregon	**Coquille River Basin projects** **Nehalem River Basin projects** **Columbia River Basin projects**
25. Pennsylvania	**Susquehanna River Basin projects** **Ohio River Basin projects**
26. Rhode Island	**Seekonk River projects**
27. South Carolina	**Edisto River Basin projects** **Savannah River Basin projects**
28. Texas	**Colorado River Basin projects** **Brazos River Basin projects**
29. Utah	**Great Salt Basin projects**
30. Vermont	**Winooski River Basin projects** **Connecticut River Basin projects**
31. Virginia	**Roanoke River Basin projects**
32. Washington	**Columbia River Basin projects** **Willapa River Basin projects** **Chehalis River Basin projects**